

7.) The original Letters Patent, U.S. Patent No. 5,637,345.

REMARKS

In the Office Action dated March 4, 2002, the Examiner rejected claims 1-8. In paragraph 2, the Examiner rejected claims 1-8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 5,505,980. The applicants have enclosed a Corrected Terminal Disclaimer which obviates this rejection. Applicants note that a Corrected Terminal Disclaimer dated August 21, 2001 was originally filed with this reissue application. However, the Examiner indicated that such document was not received.

In paragraph 3, the Examiner noted that the original patent, or a statement as to loss or inaccessibility of the original patent must be received before this reissue application can be allowed. The applicants have enclosed the original patent.

In paragraph 4, the Examiner rejected claims 1-8 because the patent for which reissue is sought and the patent disclaimed in the parent patent are not commonly assigned. Applicants have submitted herewith a Petition under 37 C.F.R. § 1.182 to Withdraw the Erroneous Terminal Disclaimer.

In paragraphs 5-7, the Examiner noted that the reissue oath/declaration was defective because it failed to identify the foreign application on which foreign priority is claimed, it did not identify the citizenship of each inventor and because the assignee has not established its ownership interest in the patent. The applicants have now cured the defective oath/declaration by identifying the foreign application on which foreign priority is claimed, it has identified the citizenship of the inventors and it has established an ownership interest in the patent.

In paragraph 8, the Examiner noted that a person, other than a recognized officer, can execute a submission establishing an ownership interest, provided the record for application includes a statement that the person is empowered to sign a submission establishing an ownership interest and/or act on behalf of the assignee. The applicants have included such statements.

Finally, paragraphs 9 and 10, the Examiner noted that the oath/declaration was defective because it failed to state all errors are being corrected without deceptive intent on the part of the applicant. The Examiner rejected claims 1-8 based on a defective reissue declaration under 35 U.S.C. 251. The applicants have corrected the oath/declaration.

Therefore, applicants respectfully request that the Examiner reconsider and withdraw all rejections. Allowance of the reissue application is earnestly solicited.

Please direct all correspondence in this application to Brian H. Batzli.

Respectfully submitted,

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